REMARKS/ARGUMENTS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claim 1 has been amended. Claims 24-46 have been cancelled. Claims 47-69 have been added. Hence, Claims 1-49 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1-6, 8-9, 11-29, 31-32 and 34-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey (U.S. Patent Application Publication No. 2002/0062258) in view of Musgrove (US 7,082,426).

Claims 7 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Bailey and Musgrove in view of Gavarini (US 2006/0184430).

Claims 10 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey and Musgrove in view of Scholl (US 2005/0149390).

Claims 26-46 were objected to under CFR 1.75(c), as being of improper dependent form for failing to further limit the subject mater of a previous claim.

OBJECTIONS TO CLAIMS

Claims 26-46 were objected to under CFR 1.75(c), as being of improper dependent form for failing to further limit the subject mater of a previous claim. Claims 24-46 have been cancelled. New claims 47-69 have been added. The new claims are storage medium claims that fall into the "manufacture" statutory category and that do not depend on claims from another statutory category. Withdrawal of the objection is respectfully requested.

THE REJECTIONS BASED ON THE PRIOR ART

Claims 1-6, 8-9, 11-29, 31-32 and 34-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bailey (U.S. Patent Application Publication No. 2002/0062258) in view of Musgrove (US 7,082,426). Claim 1 contains features not taught or anticipated by the cited prior art, therefore the rejection is respectfully traversed. Claim 1 recites:

> A method for associating data with product abstractions comprising the steps of:
> inspecting a first data set that includes data that corresponds to an offer to sell a
>   particular product by a particular party;
> based on the first data set, assigning said particular product to a product category; and
> **matching said first data set with a product abstraction based, at least in part, on**
>   **the product category to which said particular product corresponds;**
> wherein the product abstraction is an electronic representation of a product.

The Office Action alleges that the elements of Claim 1 **"inspecting a first data set that includes data that corresponds to an offer to sell a particular product by a particular party"** and **"matching said first data set with a product abstraction based, at least in part, on the product category to which said particular product corresponds"** are anticipated by the Bailey abstract, and by the Musgrove abstract and paragraph 38, respectively. The Office Action does not specify what, within these references, is considered to be the alleged "first data set" that is required by Claim 1. However, no matter which interpretation of "first data set" is followed, Claim 1 contains elements not anticipated by Bailey in view of Musgrove.

Bailey's abstract reads:

> A computer-implemented method for procuring one or more items includes, in
> response to user-provided data and after user selection of a search module using
> a client system, providing an item category. Based on user selection of the item
> category using the client system, one or more attributes associated with all items
> in the item category are provided. Based on user input identifying an attribute
> value for at least on attribute, search results including one or more items
> matching the attribute value are generated. In response to user selection of a
> particular item from among the search results using the client system, an order
> request for the selected item is then generated.

It is possible that the Office Action is equating "user-provided data" with the "first data set" required by Claim 1. However, this interpretation does not work. Specifically, under this interpretation, the limitation **"inspecting a first data set that includes data that corresponds to an offer to sell a particular product by a particular party"** would not be satisfied because, according to the Bailey's abstract, the "user-provided data" does not correspond to an offer to sell a particular product. Instead, the "user-provided data" is used to provide an item category.

Another possible interpretation is that "one or more attributes associated with all items in the item category" is being equated to the claimed "first data set." However, such interpretation also does not work. Specifically, the limitation **"inspecting a first data set that includes data that corresponds to an offer to sell a particular product by a particular party"** would not be satisfied because "one or more attributes associated with all items in the item category" do not correspond to an offer to sell a product either.

Finally if the interpretation "search results including one or more items matching the attribute value" is equivalent to "first data set" were proper, then the Claim 1 element **"matching said first data set with a product abstraction based, at least in part, on the product category to which said particular product corresponds"** is not disclosed by Bailey or Musgrove taken separately or properly combined. Specifically "search results including one or more items matching the attribute value" are not matched with anything, much less a product abstraction. The search results are simply presented to the user, so that a user can select a particular item from the search results based on which the client system in Bailey generates an order request.

Dependent claims serve to further limit the subject matter of a previous claim. For example, Claim 3 contains the limitation **"charging a party associated with a particular referenced entity in the result set based at least in part on inclusion on said particular referenced entity in said result set"** is not anticipated by Bailey in view of Musgrove. Musgrove is silent with respect to charging a party associated with a particular entity. Bailey, in paragraph 139 describes a system where the owner of the product procurement system can charge users for the use of their catalogs and the various pricing models associated with the use of the product procurement system such as charging per transaction. Bailey does not disclose charging a party to be included in a catalog much less **"charging a party associated with a particular referenced entity in the result set based at least in part on inclusion on said particular referenced entity in said result set."**

Based on the foregoing, Bailey in view of Musgrove fails to teach at least one feature of independent Claim 1 and thus fails to teach all the features of Claim 1. The independent claims 3, 23, computer-readable storage medium Claims 47-69, and dependent Claims 2, 4-22, contain all the limitations of independent Claim 1. Because it was shown that independent claim contains features not taught by the cited prior art reference reconsideration and removal of these rejections is respectfully requested.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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